

(PCT Article 36 and Rule 70)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012937

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
    - ☐ international search (Rule 12.3 and 23.1(b))
    - ☐ publication of the international application (Rule 12.4)
    - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*
  - ☐ the international application as originally filed/furnished
  - ☒ the description:
 

pages	<u>1-3, 7-17, 19</u>	as originally filed/furnished
pages*	<u>4, 4a</u>	received by this Authority on <u>23.11.2005 with letter of 23.11.2005</u>
pages*	<u>5, 6, 18</u>	received by this Authority on <u>18.04.2006 with letter of 18.04.2006</u>
  - ☒ the claims:
 

nos.	_____	as originally filed/furnished
nos.*	_____	as amended (together with any statement) under Article 19
nos.*	<u>1-15</u>	received by this Authority on <u>18.04.2006 with letter of 18.04.2006</u>
nos.*	_____	received by this Authority on _____
  - ☒ the drawings:
 

sheets	<u>1/10-10/10</u>	as originally filed/furnished
sheets*	_____	received by this Authority on _____
sheets*	_____	received by this Authority on _____
  - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
  - ☐ the description, pages \_\_\_\_\_
  - ☐ the claims, nos. \_\_\_\_\_
  - ☐ the drawings, sheets/figs \_\_\_\_\_
  - ☐ the sequence listing (specify): \_\_\_\_\_
  - ☐ any table(s) related to sequence listing (specify): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - ☐ the description, pages \_\_\_\_\_
  - ☐ the claims, nos. \_\_\_\_\_
  - ☐ the drawings, sheets/figs \_\_\_\_\_
  - ☐ the sequence listing (specify): \_\_\_\_\_
  - ☐ any table(s) related to sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
<b>1. Statement</b>			
Novelty (N)	Claims	3-8, 12-15	YES
	Claims	1, 2, 9-11	NO
Inventive step (IS)	Claims		YES
	Claims	1-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO
<b>2. Citations and explanations (Rule 70.7)</b>			
<b>1 Independent claim 1</b>			
<p>The subject matter of claim 1 is known from D1 (JP-A-2000 315020). D1 discloses a continuous intermediate image carrier consisting of an upper, outer layer 22 that has a high resistance value, i.e. lower conductivity, and at least one lower layer 21 that has a lower resistance value, i.e. higher conductivity.</p>			
<p>The combination of at least two layers of isotropically conductive materials having different levels of conductivity appears to create a conductivity anisotropy in which the conductivity between two laterally offset measurement points on the upper and lower sides of the carrier is higher than the conductivity between two opposite measurement points on the upper and lower sides. Such conductivity properties can also be created alternatively by the use of anisotropic layer materials <i>per se</i> (see, for example, layer 30 of the intermediate carrier disclosed in D3 (JP-A-11 0783036)).</p>			

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claim 1 includes the use of two or more layers of isotropically conductive materials having different levels of conductivity (see also an embodiment described on page 18, lines 8-12, which does not appear to differ from the intermediate carrier of D1). Thus D1 discloses the subject matter of **claim 1**. PCT Article 33(2) and (3) is contravened.

**2      Dependent claims 2 to 15**

The subject matter of several claims is already known from D1 or is part of the normal technical knowledge of a person skilled in the art.

- The subject matter of **claims 2 and 9 to 11** is known, for example, from figure 1 of D1. PCT Article 33(2) is contravened.
- The features defined in **claims 3 to 8 and 12 to 15** relating to the electrical conductivity, i.e. ensuring an effective electrical field for the transmission of the toner image and preventing the intermediate carrier from being damaged by spark discharges, can be regarded as part of the disclosure of D1. Although these features are not explicitly mentioned in D1, they are obvious to a person skilled in the art from the content (PCT Article 33(3)).

**3      The subject matter of claims 1 to 15 is industrially applicable (PCT Article 33(4)).**

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**Dependent claims 3 to 6 and 14** define the electrical conductivity of the intermediate carrier by means of unclear expressions such as "at least so high, low, sufficiently" in order to achieve the desired effect, for example, to make the transfer process effective and/or to prevent electrical flashovers, without providing a technical feature, for example, a value therefor (PCT Article 6).

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